

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

YASMINA EDWARDS,

Plaintiff,

v.

AMERICAN EXPRESS COMPANY,

Defendant.

Case 07-Civ-7340 (AKH)

**AFFIDAVIT FOR
JUDGMENT BY DEFAULT**

STATE OF NEW YORK)
 ss.:)
COUNTY OF NEW YORK)

LOCKSLEY O'SULLIVAN WADE, ESQ., being duly sworn, deposes and says:

1. I am a member of the Bar of this Court and I am the attorney for plaintiff in the above-entitled action. I am familiar with all the facts and circumstances in this action.
2. I make this affidavit pursuant to Rule 55.1 and 55.2(a) of the Civil Rules for the Southern District of New York, in support of plaintiff's application for the entry of a default judgment against the defendant.
3. This is an action to recover damages suffered by the plaintiff as a result of the defendant's deliberate violation of the Fair Labor Standards Act, 29 U.S.C. § 215 et seq.
4. Jurisdiction of the subject matter of this action is based on 29 U.S.C. § 215 (b) and 28 U.S.C. § 1331.

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5. Venue is proper in this district pursuant to 28 U.S.C. § 1391(b) and (c) and because the defendant corporation's principle place of business is within this district and because a substantial part of the events giving rise to theses claims occurred in New York County.

6. The defendant is a business corporation organized under the Laws of the State of New York. The corporation is not an infant or incompetent.

7. Notice has been provided in accordance with Local Rule 55.1 and 55.2.

8. This action was commenced on August 16, 2007, by the filing of the summons and complaint. A copy of the summons and complaint was served on the defendant on August 20, 2007 by personal service on CT Corporation, an agent employed by the defendant for service of process and proof of service by the Special Process Server was filed on August 29, 2007. Ms. Jean Y. Park, counsel for the defendant has acknowledge service of process on the defendant. The defendant has not answered the complaint and the time for the defendant to answer the complaint has expired.

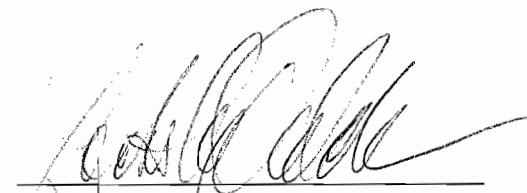
9. The Motion for Default seeks judgment as to liability on all claims and counts listed in the complaint. The plaintiff will move at later time for judgment as to compensatory damages and other damages.

WHEREFORE, the plaintiff request entry of Default as to liability against the defendant.

Dated: New York, New York
September 12, 2007

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Pursuant to 28 U.S.C. § 1746, I state under penalty of perjury that the foregoing is true and correct. Executed on this the 12th day of September 2007.



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